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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,162	03/09/2000	Mark Verdi	MSP-001	2423

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EXAMINER	
HECK, MICHAEL C	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/522,162	VERDI ET AL.	
	Examiner	Art Unit	
	Michael C. Heck	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-10 and 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-10 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office Action is responsive to applicant's amendment filed 14 April 2004. Applicant's amendment of 14 April 2004 amended claims 6 and 12. Currently, claims 2-10 and 12 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new grounds of rejection. The applicant asserts that the step of establishing a predetermined group before a message is received from a first member, wherein that the first member is a member of that group, sending the analysis to the predetermined group, or portion thereof, and the steps of preparing a non-group analysis as well as a group analysis is not taught by the references. In response, the applicant amended claims 6 and 12. Applicant focused the argument on Thomas (U.S. Pat Appl. 2002/0002482), however, Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105) teach a collaborative group where an individual can ask the group, which he is a member of, a question. If the question is a common question, both the question and answer is loaded into a knowledge database that everyone has access to, i.e. sending the analysis to the predetermined group (p. 97, ¶1-4, and p. 98, ¶16). As claimed and interpreted, the non-group analysis would exist only if members of the predetermined group did not respond to the first inquiry. Specifically, no group analysis would exist

since there would be no inputs to analyze. Please see the 35 U.S.C. 103(a) rejection below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 2, 4-6, 8-10,** and **12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton (Clayton, Delphi: A technique to harness expert opinion for critical decision-making tasks in education, Educational Psychology, Vol. 17, No. 4, December 1997, p. 373-386 [PROQUEST]) in view of Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105). Clayton discloses a computerized knowledge brokerage system comprising:

- [**Claim 6**] a) establishing a predetermined group comprising more than two members (p. 377, ¶ 24, Clayton teaches the Delphi method requires that a panel of experts on the subject under study be selected.);
- c) providing the first message to a consultant for defining of a first query based on the first message (p. 376, ¶ 15, Clayton teaches communication between individuals is orchestrated by a director and occurs via written questionnaires and feedback reports.);
- d) sending the first query from the central location to at least a portion of the predetermined group (p. 378, ¶ 29, Clayton teaches that in phase one, a

stimulus such as a questionnaire is devised and mailed to each member selected soliciting their co-operation in the study as well as their opinions or answers to certain events or questions based on their experienced judgment.);

- e) receiving over the wide-area computer network at the central location, within a predetermined second time period, a message from a second member of the group comprising a response to the first query (p. 378, ¶ 29, Clayton teaches the responses from co-operating members are then translated into general generic statements about which consensus is then sought.);
- f) preparing an analysis at the central location related to the first query and the response to it (p. 377, ¶ 23, Clayton teaches that after the questionnaire is returned, the monitor team summarizes the results and, based upon the results, develops a new questionnaire for the respondent group.);
- g) sending the analysis over the wide-area computer network from the central location to the predetermined group (p. 377, ¶ 23, Clayton teaches the respondent group is usually given at least one opportunity to re-evaluate its original answers based upon examination of the group response.);

Clayton fails to teach b) receiving at a central location over a wide-area computer network, within a predetermined first time period, a first message from a first member of the group, h) sending the first query from the central location to at least one non-group member if no messages are received within the predetermined second time period, i) preparing a non-group analysis related to the non-group member responses to the first query; and j) sending the non-group analysis from the central location to at least the first member of the group. Ackerman et al. teach Answer Garden supports organizational memory in two ways: by making recorded knowledge retrievable and by making individuals with knowledge accessible. Users seek answers to commonly asked questions through a set of diagnostic questions or other informational retrieval mechanisms. If the user cannot find an answer of the answer is incomplete, the user may ask the question through the system. If the question was a common one, the

expert could insert the question and its answer back into the information database. Answer Garden is shown implemented in the World Wide Web and Answer Garden 2 (AG2) consists of a second generation system architecture for organizational memory and collaborative help support. The architecture decomposes the Answer Garden functionality into a set of distributed software services. Collaborative help functionality provides help to users at their own explanation level and potentially with iterative diagnosis. Providing help from other people – such as colleagues on the same hall or other group members – allows people to seek help first from the people most likely to know the local content. While staying local is important, it can also be organizationally dysfunctional when there is no local expert available. In these situations, a means for escalating answers past the local group is required. The process continues, perhaps routing the question to an expertise engine to find a suitable human expert, to a help desk, or to agents that search for information on the Web or in proprietary information sources. One can even imagine agents that hire outside consultants if the need is great enough. (p. 98, ¶ 14-16, p. 100, ¶ 26-27, p. 101, ¶ 35-38, and p. 102, ¶ 43). The examiner interprets the system allows a question to be sent to a local workgroup, then if not answered sent to a non-group member. The answer is given to the requestor and evaluated to be included in the informational library for all group members to see. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporated the computer-supported cooperative work of Ackerman et al. with the teachings of Clayton since Clayton teaches that it is old and well known in the group-decision making art to use a panel of experts on the subject under study (p. 377,

¶ 24). Businesses encourage teaming to ensure employee ownership, common focus, and synergy. Decision-makers that use a collaborative solution to a problem re-enforces the contribution of the collaborative group. The group, therefore, feels ownership for the decision and will work together to ensure the decision does not fail.

- [**Claim 2**] step (g) further comprises sending the analysis only to said first member and those members of the predetermined group that responded to the first query (Clayton: p. 382, ¶ 50, Clayton teaches the Delphi process aims to arrive at a level of consensus among the panel members. This consensus is assisted by the researcher providing feedback to each panel member of their previous rating together with a group measure of central tendency. The researcher may provide both individual ratings and the group mean rating. The examiner interprets that ratings are supplied to those that responded.).
- [**Claim 4**] sending the first query to the predetermined group (p. 378, ¶ 29, Clayton teaches that in phase one, a stimulus such as a questionnaire is devised and mailed to each member selected soliciting their co-operation in the study as well as their opinions or answers to certain events or questions based on their experienced judgment.).
- [**Claim 5**] storing the first analysis in the central location such that it is accessible to members of the predetermined group (Ackerman et al.: p. 98, ¶ 16, Ackerman et al. teach that if the question was a common one, the expert would inset the question and its answer back into the information database.).
- [**Claim 8**] the identity of the first member is kept anonymous (Ackerman et al.: p. 100, ¶ 27, Ackerman et al. teach that users of the system can send their question anonymously.).
- [**Claim 9**] the identity of the second member is kept anonymous (Ackerman et al.: p. 100, ¶ 27, Ackerman et al. teach the experts answering the question can also be anonymous.).
- [**Claim 10**] the identities of the members of the predetermined group are kept anonymous (Clayton: p. 380, ¶ 41, Clayton teaches that anonymity is needed to support the contention that the collective wisdom of experts can be refined through controlled feedback and discussion. The examiner interprets the experts to be the predetermined group.).

Claim 12 substantially recites the same limitations as that of claim 6 with the distinction of the recited method being also a method. Hence the same rejection for claim 6 as applied above applies to claim 12.

2. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton (Clayton, Delphi: A technique to harness expert opinion for critical decision-making tasks in education, Educational Psychology, Vol. 17, No. 4, December 1997, p. 373-386 [PROQUEST]) and Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105) in view of Liff (Liff, A., Fostering Online Collaboration and Community, Association Management, Washington, Vol. 50, issue 9, Sep. 1998, Pages 33-38 [PROQUEST]). Clayton and Ackerman et al. discloses a computerized knowledge brokerage system, but fails to teach that members are required to respond to queries. Liff teaches that the community requires participants to interact or be asked not to renew their subscription (Liff: p. 38, Col. 1, Para 3). Liff teaches that it is old and well known in the online collaboration art to require participants to interact. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Clayton and Ackerman et al. with the teachings of Liff to require participants to interact. The purpose of soliciting an input from a participant is to gain knowledge from the group as a whole. Clayton teaches the process of selecting experts is critical to the Delphi and serves to authorize the Delphi's superiority and validity over other less painstaking and rigorous

survey procedures (p. 378, ¶ 26). Liff discloses interactive communities where people have an ongoing relationship based on a topic and are linked electronically. Knowledge management, which is shaping how businesses and organizations will create value in the future, is emerging as a way to manage the intellectual capital of an organization. The "knowledge network" will accelerate the spread of best practices and best-known methodologies throughout the membership (Liff: p. 33, Para 1, p. 34, Col. 2, Para 3 through to Col. 4, Para 1, and p. 38, Col. 3, Para 3-4). To facilitate knowledge growth within an organization or group, incorporating Liff's requirement for participants to interact would accelerate the process to create new knowledge, therefore, impacting the companies' bottom line.

3. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Clayton (Clayton, Delphi: A technique to harness expert opinion for critical decision-making tasks in education, Educational Psychology, Vol. 17, No. 4, December 1997, p. 373-386 [PROQUEST]) and Ackerman et al. (Ackerman et al., Answer Garden 2: Merging Organizational Memory with Collaborative Help, ACM conference proceedings on Computer Supported Cooperative Work, ACM Press, NY, NY, 1996, p. 97-105), as applied to claim 6. Claim 3 recites submitting the first query to the first member for approval before sending the first query to the portion of the group. Clayton and Ackerman et al. fail to teach receiving approval prior to sending a query to the group. The examiner takes official notice that it is old and well known in the surveying art to have the requester of the survey review the survey details before authorizing it to be

distributed to a predefined group. For example, it is common to have a marketing research consulting company generate a survey then review the survey with their client to ensure the survey collects the information that meets the goal of the business requesting the information. In addition, some electronic survey companies have the survey requestor interactively involved in the process of creating the survey, which means the requester is reviewing the survey at the same time it is being generated. In this manner time and resources are reduced and the objectives would be quickly met. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the approval process to ensure the query meets the objectives of the requestor of the information.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "**Box AF**"]

(703) 746-9419 [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch
26 August 2004

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
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